

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.946 OF 2007

IN

FIRST APPEAL NO. 1583 OF 1996

Motichandra Raghunath Ahir ...Applicant.
@ Yadav.

Vs.

Radhabai Krishna Sawant & Anr. ...Respondents.

Mr. S.W.Kulkarni for the applicant.

Ms. V.R.Kalekar for respondent No.1.

CORAM : ANOOP V. MOHTA, J.

DATED : 18th September, 2007

P.C.

1. Considering the facts and circumstances of the case, and in view of the dismissal of the application for restoration (Civil Application No.945 of 2007), this application for stay as prayed is also dismissed.

2. However, the learned counsel appearing for the appellant submitted that looking to the fact that they are in possession of the premises since more than 25 years, requested to grant of stay of possession as already granted by this Court by order dated 16/03/1999 which has been in force since then.

However, I am inclined to grant six weeks time on condition of depositing of the total arrears of amount, if any as directed by this Court in the year 1999 within three weeks as a condition precedent, failing which the stay as extended today shall stand vacated automatically without referring to the Court.

2. Civil Application is disposed of, accordingly.

(ANOO P V. MOHTA, J.)